

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA
AT CLARKSBURG**

**THE KAY COMPANY, LLC,
ET AL.,**

Plaintiffs,

v.

**CIVIL ACTION NO. 1:13-CV-151
(Honorable John Preston Bailey)**

**EQT PRODUCTION COMPANY,
ET AL.,**

Defendants.

**RESPONSE OF JOHN FOUT, NANCY FOUT, J & N MANAGEMENT,
LLC AND J & N MANAGEMENT ENTERPRISES, LLC TO DEFENDANTS'
MOTION TO EXCLUDE FROM CLASS SETTLEMENT THE FOUT
LEASE LITIGATED IN SEPARATION ACTION**

This day comes John Fout, Nancy Fout, J & N Management, LLC and J & N Management Enterprises, LLC by Stephen A. Wickland, their attorney, and move this Court that it deny the Defendants' Motion to Exclude the Fout Lease from the Class Settlement of the above-styled litigation.

The Fouts move that their lease, being EQT Production lease 300648 be included and permit them to benefit from the class action litigation for the following reasons:

1. The settlement signed February 7, 2019, does not exclude the Fout settlement.
2. The previous judgment was based upon a misrepresentation of EQT's policies as it relates to deductions.
3. The settlement of February 27, 2019, correctly follows and interprets the laws of West Virginia.

An memorandum in support of this “Response” is attached hereto and made part hereof.

Respectfully submitted this 27th day of June, 2019.

/s/ Stephen A. Wickland

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